

Rm. NE-B607, 401 M St., SW.,
Washington, DC 20460.

Electronic comments can be sent
directly to EPA at:
ncic@epamail.epa.gov

Electronic comments must be
submitted as an ASCII file avoiding the
use of special characters and any form
of encryption.

The official record for this
rulemaking, as well as the public
version, as described above will be kept
in paper form. Accordingly, EPA will
transfer all comments received
electronically into printed, paper form
as they are received and will place the
paper copies in the official rulemaking
record which will also include all
comments submitted directly in writing.
The official rulemaking record is the
paper record maintained at the address
in ADDRESSES at the beginning of this
document.

IV. Comments Containing Confidential Business Information

Any person who submits comments
claimed as CBI must mark the
comments as "confidential," "trade
secret," or other appropriate
designation. Comments not claimed as
confidential at the time of submission
will be placed in the public file. Any
comments marked as confidential will
be treated in accordance with the
procedures in 40 CFR part 2. Any party
submitting comments claimed to be
confidential must prepare and submit a
public version of the comments that
EPA can place in the public file.

V. Regulatory Assessment Requirements

EPA is modifying the requirements of
the rule by eliminating several
requirements. Any costs or burdens
associated with the rule will be reduced
when the rule is modified. Therefore,
EPA finds that no additional
assessments of costs or burdens are
necessary under Executive Order 12866,
the Regulatory Flexibility Act (5 U.S.C.
605(b)), or the Paperwork Reduction Act
(44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals,
Hazardous materials, Reporting and
recordkeeping requirements, Significant
new uses.

Dated: May 16, 1995.

Charles M. Auer,

*Director, Chemical Control Division, Office
of Pollution Prevention and Toxics.*

Therefore, it is proposed that 40 CFR
part 721 be amended to read as follows:

PART 721—[AMENDED]

1. The authority citation for part 721
would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and
2625(c).

2. In § 721.7280 by revising
paragraphs (a)(2)(i) and (a)(2)(ii),
removing paragraphs (a)(2)(iii) and
(a)(2)(iv), and revising paragraph (b)(1)
to read as follows:

§ 721.7280 1,3-Propanediamine, *N,N'*-1,2-ethanediylbis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine

(a) * * *

(2) * * *

(i) *Protection in the workplace.*

Requirements as specified in
§ 721.63(a)(1), (a)(2)(iii), (a)(3), (a)(4),
(a)(5)(i), (a)(5)(ii), (a)(5)(iv), (a)(5)(v),
(a)(6)(i), (a)(6)(ii), (b)(concentration set
at 0.1 percent) and (c).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72(a)
through (f), (g)(1)(iv), (g)(1)(viii),
(g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv),
(g)(2)(v), and (g)(5).

(b) *Specific requirements.* The
provisions of subpart A of this part
apply to this section except as modified
by this paragraph.

(1) *Recordkeeping.* Recordkeeping
requirements as specified in
§ 721.125(a) through (i) are applicable to
manufacturers, importers, and
processors of this substance.

* * * * *

[FR Doc. 95-13135 Filed 5-26-95; 8:45 am]

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shipbuilders into the commercial
market. This extension is being granted
at the request of the American
Shipbuilding Association, which
represents shipyards that employ a large
percentage of the workers employed in
private U.S. shipbuilding facilities and
which is vitally interested in the Title
XI program.

DATES: Written comments are requested
and must be received on or before June
13, 1995.

ADDRESSES: Comments may be mailed
or otherwise delivered to the Secretary,
Maritime Administration, Room 7210,
Department of Transportation, 400
Seventh Street SW., Washington, D.C.
20590. All comments will be made
available for inspection during normal
business hours at the above address.
Commenters wishing MARAD to
acknowledge receipt of comments
should enclose a stamped self-addressed
envelope or postcard.

FOR FURTHER INFORMATION CONTACT:
David A. Lippold, Examiner, Division of
Capital Assets Management, Office of
Ship Financing, Maritime
Administration, Room 8122, 400
Seventh Street SW., Washington, D.C.
20590. Telephone 202-366-1907.

Dated: May 25, 1995.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 95-13253 Filed 5-26-95; 8:45 am]

BILLING CODE 4910-81-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 95-59; FCC 95-180]

Preemption of Local Zoning Regulations

AGENCY: Federal Communications
Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has
proposed revisions to its rule
preempting local regulation of satellite
earth stations. These revisions are being
proposed in response to two Petitions
for Declaratory Ruling filed by Satellite
Broadcasting and Communications
Association and Hughes Network
Systems, Inc. and as a result of the
decision of the U.S. Court of Appeals of
the Second Circuit where the court
invalidated the requirement that
satellite-antenna users exhaust all other
legal remedies before petitioning the
Commission for a declaratory ruling.

The revised rule modifies the exhaustion of remedies requirement to permit Commission interpretation of the rule prior to judicial review; modifies the reasonableness test in the current rule including establishing presumption of unreasonableness; provides a waiver process by which communities may request a waiver of some or all of this rule in recognition of local interests; and provides for immediate relief in particular cases by entertaining petitions for declaratory relief under the current rule on an interim basis pending completion of this rulemaking.

DATES: Comments are due by July 14, 1995; reply comments are due by August 15, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rosalee Chiara, International Bureau, Satellite and Radiocommunication Division, Satellite Policy Branch, (202) 739-0730.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in IB Docket No. 95-59; FCC 95-180, adopted April 27, 1995 and released May 15, 1995. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

In 1986, the Commission adopted a rule preempting local regulation of satellite earth stations that differentiated between satellite receive-only antennas and other types of antenna facilities unless the regulations (a) have a reasonable and clearly defined health, safety, or aesthetic objective and (b) do not put unreasonable limitations on, or prevent, reception or impose unreasonable costs on users. The rule also preempted local regulation of satellite transmitting antennas in the same manner except that health and safety regulation was not preempted (47 CFR 25.104). Since that time, consumers, satellite system operators, local governments, and the Commission have gained significant experience working with this rule. Based in part on this experience, the Satellite Broadcasting and Communications Association ("SBCA") and Hughes Network Systems, Inc. ("Hughes") filed petitions for declaratory rulings on our

satellite-antenna preemption rule. In addition, the U.S. Court of Appeals for the Second Circuit invalidated the requirement that satellite-antenna users exhaust all other legal remedies before petitioning the Commission for relief. *Town of Deerfield, New York v. FCC*, 1992 F.2d 420 (2d Cir. 1992) ("*Deerfield*"). In 1993, we sought comment on the SBCA and Hughes petitions, as well as on the appropriate action for the Commission to take in response to the Second Circuit's decision.

Based on the petitions, the comments received in this proceeding, and our experience administering Commission preemption policies since 1986, we tentatively concluded that, in light of the Second Circuit's *Deerfield* decision, we should modify our exhaustion of remedies requirement to permit us to interpret our preemption rule prior to any judicial review. We also tentatively conclude that in order to facilitate application of the Commission's interpretations in varied factual settings, to minimize intrusion upon local prerogatives in land-use regulation, and to promote full and fair competition between satellite services and other means of communication, we must revise the preemption rule itself. Accordingly, we are denying both petitions for declaratory relief and issuing this Notice of Proposed Rulemaking, which proposes changes in § 25.104. In addition, we announce our willingness to entertain petitions for declaratory relief with respect to particular zoning disputes during the pendency of this proceeding.

We also propose revisions of the current rule's "reasonableness" test. These include elimination of the requirement that preemptable local ordinance differentiate in the treatment of antennas. In addition, the NPRM proposes changes in how the rule applies to regulations that increase users' costs or diminish reception. The proposed rule also establishes presumptions of unreasonableness for regulations that affect antennas less than one meter in size and those that affect antennas less than 2 meters in size in an area where commercial or industrial use is permitted. The proposals include several other modifications of the rule and also provide that local government can request waivers of the rule under certain circumstances.

We solicit comments from all interested parties, including service providers, equipment manufacturers, consumers, programmers, land-use managers, and other representatives of local governments. A full and complete record in this matter will ensure that

our final rule takes into consideration the views of all these persons.

Ordering Clauses

Accordingly, *it is ordered* That, pursuant to sections 1.4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 303(r) notice is hereby given of the proposed amendments to § 25.104 of the Commission's rules, 47 CFR 25.104, in accordance with the proposals in this Notice of Proposed Rulemaking, and that comment is sought regarding such proposals.

It is further ordered. That the petitions for declaratory relief filed by SBCA and Hughes are denied.

It is further ordered That the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Administrative Matters

Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before July 14, 1995 and reply comments on or before August 15, 1995. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554.

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

Initial Regulatory Flexibility Act Statement

As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this

document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Proposed Rules

Part 25 of Title 47 of the Code of Federal Regulations is proposed to be amended, as follows:

PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for part 25 continues to read as follows:

Authority: Sections 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 416–427, 47 U.S.C. 701–744; 47 U.S.C. 554.

2. Section 25.104 is revised to read as follows:

§ 25.104 Preemption of local zoning of earth stations.

(a) Any state or local land-use, building, or similar regulation that substantially limits reception by receive-only antennas, or imposes substantial costs on users of such antennas, is preempted unless the promulgating authority can demonstrate that such regulation is reasonable in relation to:

(1) A clearly defined, and expressly stated health, safety, or aesthetic objective; and

(2) The federal interest in fair and effective competition among competing communications service providers.

(b) Any regulation covered by paragraph (a) of this section shall be presumed unreasonable if it affects the installation, maintenance, or use of:

(1) A satellite receive-only antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by local land-use regulation; or

(2) A satellite receive-only antenna that is one meter or less in diameter in any area.

(c) Any presumption arising from paragraph (b) of this section may be rebutted upon a showing that the regulation in question:

(1) Is necessary to accomplish a clearly defined and expressly stated health or safety objective;

(2) Is no more burdensome to satellite users than is necessary to achieve the health or safety objective;

(3) Is specifically applicable to antennas of the class mentioned in paragraph (b) of this section.

(d) Regulation of satellite transmitting antennas is preempted to the same extent as provided in paragraph (a) of this section, except that state and local health and safety regulations relating to radio frequency radiation of transmitting antennas are not preempted by this rule.

(e) Any person aggrieved by the application or potential application of a state or local zoning or other regulation in violation of paragraph (a) of this section may, after exhausting all nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when

(1) The petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal has been exhausted;

(2) The petitioner's application for a permit or other authorization required by the state or local authority has been pending with that authority for ninety days;

(3) The petitioner has been informed that a permit or other authorization required by the state or local authority will be conditioned upon the petitioner's expenditure of an amount greater than the aggregate purchase and installation costs of the antenna; or

(4) A state or local authority has notified the petitioner of impending civil or criminal action in a court of law and there are no more nonfederal administrative steps to be taken.

(f) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature create an overwhelming necessity for regulation inconsistent with this section. No application for waiver shall be considered unless it includes the particular regulation for which waiver is sought. Waivers granted according to this rule shall not apply to later-enacted or amended regulations by the local

authority unless the Commission expressly orders otherwise.

[FR Doc. 95–13116 Filed 5–26–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 80, 90, and 95

[WT Docket No. 95–56, FCC 95–174]

Low Power Radio and Automated Maritime Telecommunications Systems Operations in the 216–217 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission had adopted a Notice of Proposed Rule Making which seeks to permit the shared use of the 216–217 MHz band, on a secondary, non-interference basis, for a new Low Power Radio Service to include law enforcement tracking systems, auditory assistance devices for the hearing-impaired, and health care assistance devices for disabled and ill persons. Further, the Commission seeks to permit Automated Maritime Telecommunications Systems (AMTS) coast stations to also share this band on a secondary, non-interference basis for point-to-point network control communications. This action stems from the Commission's Notice of Proposed Rule Making and Notice of Inquiry in PR Docket 92–257 which sought to compile a record of viable, alternative uses for this one megahertz of maritime mobile spectrum. Thus, the proposed rules should aid law enforcement efforts in the recovery of stolen goods, further the goals of the Americans With Disabilities Act of 1990 (ADA), increase access to educational and health care opportunities for persons with disabilities and illnesses, increase the number of channels available to the AMTS for operational control communications, and promote the efficient use of maritime spectrum.

DATES: Comments must be filed on or before July 18, 1995, and reply comments must be filed on or before August 17, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Roger Noel of the Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, WT Docket No. 95–56, FCC 95–174, adopted April 25, 1995, and released, May 16, 1995. The